



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,787	04/12/2001	Andrew O. McKee	200985US-56	1448

51738 7590 03/17/2006
BAKER & MCKENZIE LLP
Pennzoil Place, South Tower
711 Louisiana, Suite 3400
HOUSTON, TX 77002-2716

EXAMINER

POND, ROBERT M

ART UNIT PAPER NUMBER

3625

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,787

Applicant(s)

MCKEE ET AL.

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-52 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

All pending claims (1-52) were examined in this final office action.

Response to Arguments

Applicant's arguments filed 03 January 2006 have been fully considered but they are not persuasive. The Examiner respectfully disagrees with the Applicant regarding inherency statements. An affidavit is not required. The Applicant appears to be ignoring the fact that prior art evidence Item U (STG) was accessed, queried, viewed on screen by remotely connected users over the Internet prior to the Applicant's priority date as archived by the Wayback Machine (www.archive.org). A computer, commonly referred to as a web server, communicated over the Internet information stored in a database to a web browser client executing on a remote computer. The data was stored (i.e. populated) in memory and managed by a computer and was accessible at the user level via URL links that identified the unique address of the web document. The Examiner is not relying on his own personal experiences. This is so fundamental to modern computer technology as not to warrant further treatment.

Regarding inherency pertaining to "of interest." This aspect of the claim element is extremely subjective. Item U discloses a consumer booking a flight for personal use. The system accesses and displays the information that satisfies a

Art Unit: 3625

personal request (i.e. of interest to the user). Inherent in STG are the structures necessary to permit the identification of a product of interest to the user. A similar analysis exists for generating a lead. If a user requests a travel booking to a destination, then this becomes a lead for participating members servicing the destination. Inherent in STG are the structures necessary to permit generating a lead.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 1-12, 15-23, 26-31, 34-42, 44-48 and 51 are rejected under 35 USC 103(a) as being unpatentable over Summit Travel Group (Paper #20050912, a collection of prior art cited in PTO-892, Items: U and V, hereinafter referred to as "STG") in view of Connolly et al. (Paper #20050912, PTO-892, Item: WW hereinafter referred to as "Connolly")**

STG teaches Summit Travel Group as the world's largest travel consortium. STG teaches independent travel consultants (ITC) as members of Summit Travel Group's consortium and Summit's role being the service bureau for the consortium (U: see at least page 3). STG teaches an electronic bulleting board system, the Summit Internet reservation system built on Sabre technology, fax on demand, and client hotline featuring specials that clients can only book through an ITC (U: see at least pages 10 and 12). STG teaches an Internet marketing program at a minimal cost to the member whereby Summit Travel provides an affiliate with an Internet web site (U: see at least page 12). For example, STG teaches Forever Sun Ltd., a travel consultant and tanning salon, being an affiliate of Summit Travel Group and participating in the Summit's Internet marketing

program. STG teaches the Internet marketing program providing Forever Sun's customers with access to airline bookings, discount travel services, and a customized e-mail newsletter, and further teaches Forever Sun's customers doing bookings themselves through the Forever Sun's web site (V: see at least pages 1 and 2). STG further teaches:

- populating a digital repository with data relating to members of a consortium: Inherent in STG are the structures necessary to populate a digital repository with data relating to members of a consortium. Summit provides Internet Homepage listings that are registered with all major Internet indexes (U: see at least page 12); SmartRes Cruise Database (U: page 14).
- populating the digital repository with data relating to a product of interest to consumers: Inherent in STG are the structures necessary to populate a database with data relating to a travel product or service of interest to consumers (e.g. consumers doing their own bookings via web site; retrieving maps and travel destination guides via computer) (please note examiner's interpretation: consumer who booked a product or service booked a product or service of interest) (U: see at least pages 11 and 14; V: see pages 1 and 2).
- providing a consumer with access to the digital repository via a wide area network: Internet web site provides access (V: see pages 1 and 2).

- identifying the product as being of interest to the consumer: Inherent in STG are the structures necessary to identify the product as being of interest to the consumer. For example, when a consumer books a flight for personal use the system is identifying product and/or service information of interest to the consumer (V: see at least pages 1 and 2).
- generating lead: Inherent in STG are the structures necessary to permit the generation of a lead and product identifying information. For example, the consumer requesting a travel booking to a destination is a lead.
- Internet and protocol: Inherent in STG are the structures necessary to permit use of an Internet protocol. For example, consumers access a web site (e.g. www.foreversun.com) using a web browser (V: see page 1).
- Providing consumer with direct access to member: Forever Sun's customers doing bookings themselves through the Forever Sun's web site (V: see at least page 2).
- Providing special promotions: up-to-date travel specials that consumer can only book through member (U: see at least page 14); Forever Sun's customers doing bookings themselves through the Forever Sun's web site and accessing discount rates (V: see at least page 2).
- Providing geographic specific: Inherent in STG are the structures necessary to permit providing geographic information. For example, booking a reservation to a travel destination requires geographic specific information to process the booking.

- Computer program product: Inherent in the computer-based system of STG are the structures necessary to store a plurality of computer code necessary for execution on a computer.
- Manger of the consortium: Summit Travel Group serving as the service bureau with computerized operations and reservations systems (U: see at least page 3); Summit Travel Group is a travel consortium (V: see page 1).
- Bulletin board communication: (U: see page 14).
- Member communications: ITCnet puts each member in contact with every Summit member and Operations Center (please note examiner's interpretation: to share information, request information regarding sales lead, send referral) (U: see at least pages 12 and 14).
- Providing a tool: member's web site accesses Summit's online systems (U: see at least pages 12-15; V: see pages 1 and 2); Tour Source software (U: see at least page 13).
- Searching for member: Summit Web Research Center (please note: another tool) (U: page 11).
- Collateral material: receiving travel guides/maps via computer; consortium manger providing travel brochures (U: see at least pages 8 and 11).
Inherent in STG are the structure necessary to permit ordering of any available travel industry collateral material from a relevant source. For example, promotional calendars.

- Dynamic link library: Inherent in STG are the structures necessary to permit dynamic link library functions.

STG teaches all the above as noted under the 103(a) rejection and teaches a) a travel consortium providling travel and travel-related services, b) generating booking leads, and c) consortium members communicating with each other in order to respond to booking requests by customers, but does not specifically disclose forwarding the lead generated to a member. Connolly teaches consumers using the Internet to learn about travel and travel-related services, travel agents, intermediaries, and using the Internet as a distribution channel. Connolly teaches referral systems and booking systems, and further teaches interactive marketing and promotional applications enabling planners and hotels to share information and sales leads (WW: see at least pages 1, 4, and 5). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of STG to forward a lead as taught by Connolly, in order to fulfill a consumer's travel-related request, and thereby attract consumers to the service.

Pertaining to system claims 1-12 and 35

Rejection of claims 1-12 and 35 is based on the same rationale as noted above.

Pertaining to computer product claims 36-42, 44-48 and 51

Art Unit: 3625

Rejection of claims 36-42, 44-48 and 51 is based on the same rationale as noted above.

- 2. Claims 13, 14, 24, 25, and 43 are rejected under 35 USC 103(a) as being unpatentable over STG (Paper #20050912, a collection of prior art cited in PTO-892, Items: U and V) and Connolly (Paper #20050912, PTO-892, Item: WW), as applied to claims 1, 15, and 36, further in view of Official Notice (admitted prior art first cited in Paper #3, regarding old and well known in the arts, referred to as "ON1").**

STG and Connolly teach all the above as noted under the 103(a) rejection and teach a) generating leads, b) referral systems, and c) sharing sales leads with members supporting a travel-related event, but do not disclose sales lead reminders. This Examiner takes the position that it is old and well known in the arts to send a reminder about a sales lead to a member who received to sale lead after a pre-determined period to ensure the lead is followed up for sales closure. Sales referrals or leads represent money invested to create the lead that represents potential revenue opportunity for parties involved with the sales process and are perishable (please note: the sales opportunity does not last forever due to competitive or consumer travel date constraints). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of STG and Connolly to send a reminder as

Art Unit: 3625

taught by Official Notice, in order to ensure the lead is followed up for sales closure, and thereby increase sales.

Pertaining to system claims 13 and 14

Rejection of claims 13 and 14 is based on the same rationale as noted above.

Pertaining to computer product claim 43

Rejection of claim 43 is based on the same rationale as noted above.

3. **Claims 32, 33, 49, 50, and 52 are rejected under 35 USC 103(a) as being unpatentable over STG (Paper #20050912, a collection of prior art cited in PTO-892, Items: U and V) and Connolly (Paper #20050912, PTO-892, Item: WW), as applied to claims 15 and 36, further in view of Borcover (Paper #3, PTO-892, Item: X).**

STG and Connolly teach all the above as noted under the 103(a) rejection and teach a) certification with the Airline Reporting Corporation (ARC), b) providing training to members, and c) travel consultants with specialization (e.g. tanning salon services), but do not disclose providing consumers with certifications. Borcover teaches the importance of consumers seeking travel agents with credentials and certifications (X: see pages 1 and 2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of STG and Connolly to supply consumers with agent credential and certification information as taught by Borcover, in order to

bolster consumer confidence in the service being offered, and thereby attract consumers to the service.

STG and Connolly teach all the above as noted under the 103(a) rejection and teach providing training, but do not disclose providing training to receive a certification. Borcover teaches Carlson Wagonlit, AAA, American Express, Uniglobe, and other groups having access to training, educations, and supplier arrangements, and further teaches agents receiving certification from the Institute of Certified Travel Agents, or agent receiving certifications as cruise specialists or destination specialists. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of STG and Connolly to enable members to receive training for certification purposes as taught by Borcover, in order to help members receive certification, and thereby attract consumers desiring to deal with certified members.

Pertaining to computer product claims 49, 50 and 52

Rejection of claims 49, 50, and 52 is based on the same rationale as noted above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

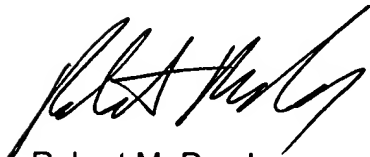
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Robert M. Pond', is positioned above the printed name.

Robert M. Pond
Primary Examiner
March 15, 2006